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JUL 18 2005

Due Date: July 18, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	)	
	)	
Inventor: Paul H. Phibbs, Jr.	)	Examiner: Andrew J. Rudy
	)	
Serial #: 09/943,060	)	Group Art Unit: 3627
	)	
Filed: August 30, 2001	)	Appeal No.: _____
	)	
Title: CAPITAL ALLOCATION IN A NET	)	
INTEREST REVENUE	)	
IMPLEMENTATION FOR FINANCIAL	)	
PROCESSING IN A RELATIONAL	)	
_____ DATABASE MANAGEMENT SYSTEM	)	

**BRIEF OF APPELLANT**

MAIL STOP APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §41.37, Appellant's attorney hereby submits the Brief of Appellant on appeal from the final rejection in the above-identified application as set forth in the Office Action dated November 18, 2004.

Please charge the amount of \$500.00 to cover the required fee for filing this Brief as set forth under 37 CFR §41.20(b)(2) to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present application. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 14-0225.

I. **REAL PARTY IN INTEREST**

The real party in interest is NCR Corporation, the assignee of the present application.

07/19/2005 CCHAU1 00000030 140225 09943060  
01 FC:1402 500.00 DA

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30145.404-US-U1

PAGE 4/22 \* RCVD AT 7/18/2005 4:50:50 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXF-6/24 \* DNIS:2738380 \* CSID:113106418798 \* DURATION (mm:ss):04:54

Adjustment Date: 09/15/2005 SDIRETA1  
07/19/2005 CCHAU1 00000030 140225 09943060  
01 FC:1402 500.00 CR

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PATENT MAINTENANCE  
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JUL 18 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul H. Phibbs, Jr.  
Serial No.: 09/943,060  
Filed: August 30, 2001  
Title: CAPITAL ALLOCATION IN A NET INTEREST REVENUE  
IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL  
DATABASE MANAGEMENT SYSTEM

US PATENT & TRADEMARK OFFICE  
Examiner: Andrew J. Rudy  
Group Art Unit: 3627  
Docket: 9391

## CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and  
Trademark Office on July 18, 2005.

By: [Signature]  
Name: George H. Gates

REQUEST FOR REFUND UNDER 37 C.F.R. §1.26PATENT MAINTENANCE  
DIVISION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

2005 JUL 20 AM 10:35

Dear Sir:

US PATENT & TRADEMARK  
OFFICE

This is a request for a refund of the three-month Extension of Time fee in the amount of \$1,020.00, which was charged to Deposit Account No. 14-0225 of NCR Corporation on May 18, 2005 for the above-identified patent application.

On May 18, 2005, Applicant's attorney filed a Notice of Appeal in the above-identified patent application, along with a three-month Extension of Time and the required extension fee in the amount of \$1,020.00. Accompanying the Notice of Appeal was a Petition Under 37 C.F.R. §1.181 requesting withdrawal of the final rejection as being improper. In addition, the Petition also requested a refund of the three-month Extension of Time fee in the amount of \$1,020.00, stating that the payment of the fee resulted from an error by the Office.

On June 27, 2005, a Decision granting the Petition was mailed by the Office. Moreover, the Decision stated that a separate paper should be filed requesting the refund of the three-month Extension of Time fee in the amount of \$1,020.00.

This request for a refund is being made in response to the Decision. Consequently, it is therefore respectfully requested that a refund in the amount of \$1,020.00 be credited to Deposit Account No. 14-0225 of NCR Corporation.

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G&amp;C 30145.404-US-U1

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PATENT MARKETING  
DIVISION**Gates & Cooper**Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045RECEIVED  
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CENTRAL FAX CENTERJUL 18 2005  
US PATENT & TRADEMARK  
OFFICE**FAX TRANSMISSION TO USPTO**TO: Commissioner for Patents  
Attn: Examiner Andrew J. Rudy  
Patent Examining Corps  
Facsimile Center  
Alexandria, VA 22313-1450FROM: George H. Gates  
OUR REF.: 9391  
TELEPHONE: (310) 642-4146

Total pages, including cover letter: 5

PTO FAX NUMBER: **571-273-8300**

If you do NOT receive all of the pages, please telephone us at (310) 641-8797, or fax us at (310) 641-8798.

Title of Document Transmitted:	TRANSMITTAL SHEETS AND REQUEST FOR REFUND UNDER 37 C.F.R. 1.26.
Applicant:	Paul H. Phibbs, Jr.
Serial No.:	09/943,060
Filed:	August 30, 2001
Group Art Unit:	3627
Title:	CAPITAL ALLOCATION IN A NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM
Our Ref. No.:	9391

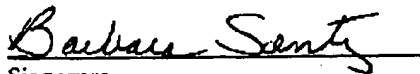
Please charge all fees to Deposit Account No. 14-0225 of NCR Corporation, the assignee of the present application.

By: 

Name: George H. Gates

Reg. No.: 33,500

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

  
SignatureJuly 18, 2005  
Date

GHG/bjs

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PATENT RECEIVED  
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2005 JUL 26 11:18 AM JUL 18 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul H. Phibbs, Jr.	Examiner:	Andrew J. Rudy
Serial No.:	09/943,060	Group Art Unit:	3627
Filed:	August 30, 2001	Docket:	9391
Title:	CAPITAL ALLOCATION IN A NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on July 18, 2005.By: [Signature]  
Name: George H. GatesCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ Request for Refund Under 37 C.F.R. §1.26.
- ☒ Charge the Fee for the Request for Refund in the amount of \$1,020.00 to the Deposit Account.

Please charge all fees to Deposit Account No. 14-0225 of NCR Corporation (the assignee of the present application). A duplicate of this paper is enclosed.

Customer Number 22462  
**GATES & COOPER LLP**  
Howard Hughes Center  
6701 Centra Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By: [Signature]  
Name: George H. Gates  
Reg. No.: 33,500  
GHG/bjs

T-869 P.003/005 E-161  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul H. Phibbs, Jr.	Examiner:	Andrew J. Rudy
Serial No.:	09/943,060	Group Art Unit:	3627
Filed:	August 30, 2001	Docket:	9391
Title:	CAPITAL ALLOCATION IN A NET INTEREST REVENUE IMPLEMENTATION FOR FINANCIAL PROCESSING IN A RELATIONAL DATABASE MANAGEMENT SYSTEM		

## CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on July 18, 2005.

By: [Signature]  
Name: George H. Gates

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

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Customer Number 22462  
**GATES & COOPER LLP**  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By: [Signature]  
Name: George H. Gates  
Reg. No.: 33,500  
GHG/bjs

05-18-2005

02:53PM

FROM-Gates &amp; Cooper LLP

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CENTRAL FAX CENTRE 08418788

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MAY 18 2005

Due Date: May 18, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul H. Phibbs, Jr.	Examiner:	Andrew J. Rudy
Serial No.:	09/943,060	Group Art Unit:	3627
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CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on May 18, 2005.

By: [Signature]  
Name: George H. Gates

PETITION FOR EXTENSION OF TIME

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. §1.136(a), it is respectfully requested that a three-month extension of time be granted in which to respond to the outstanding Office Action mailed November 18, 2004, said period of response being extended from February 18, 2005 to May 18, 2005.

Please charge the required extension fee in the amount of \$1,020.00 for a large entity to Deposit Account No. 14-0225 of NCR Corporation.

05/20/2005 EFL0RES 00000078 140225 09943060  
01 FC:1253 1020.00 DR

Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicant(s)  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Date: May 18, 2005

GHG/sjm

By: [Signature]  
Name: George H. Gates  
Reg. No.: 33,500

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PAGE 4/8 \* RCVD AT 5/18/2005 6:38:26 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-1/6 \* DNIS:8729306 \* CSID:413106418798 \* DURATION (mm-ss):01-56

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Adjustment Date: 09/15/2005 SDIRET1  
05/20/2005 EFL0RES 00000078 140225 09943060  
01 FC:1253 1020.00 CR